IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 644 OF 2007

VICTOR FERNANDES, BARDEZ, GOA. ... Applicant
Versus
THE OFFICIAL LIQUIDATOR, HIGH COURT OF BOMBAY, ... Respondent

Ms. Susan Linhares, Advocate for the Applicant.

Ms. Amira Razaq, Advocate for the Respondent.

Coram:- N. A. BRITTO, J.

Date:- 2nd November, 2007

P.C.:-

Heard Ms. Susan Linhares, learned Counsel on behalf of the Applicant and Ms. Amira Razaq, learned Counsel on behalf of the Respondent.

The Applicant herein is the Respondent against whom an Order dated 8-9-2006 was made for recovery of a sum of Rs.2,11,988/- with pending interest at the rate of 13% with quarterly rests and future interest at the rate of 6% until payment, with costs which were quantified at Rs. 10,000/-. The Applicant has filed an application for review, to review the said Order dated 8-9-2006 and along with it has filed an application for condonation of delay of 248 days.

Admittedly, the Order sought to be reviewed was passed on 8-9-2006 and at that time the Applicant was represented by an Advocate. Certified copy of the same was applied for on 13-10-2006 and copy of the same was obtained on 19-10-2006. Learned Counsel on behalf of the Applicant submits that copy of the same was obtained by the Advocate of the Applicant and the Applicant did not know about the same. If that was so it was necessary for the Applicant to have made a statement in that

regard in the application. There is no such averment. It is further submitted on behalf of the Applicant that what was the amount decreed by this Court came to the knowledge of the Applicant only when the Applicant visited the Official Liquidator on 16-11-2006. Here again, there is no averment made in the application except a general averment that the Applicant had approached the Respondent to pay the amount. The application has been filed on 4-5-2007 and here again there is no explanation for the delay between 16-11-2006 to 4-5-2007, if any. The application has been filed in a casual manner. No sufficient cause has been made out. It is not the length of delay but sufficiency of cause which matters in such applications. Application dismissed.

N. A. BRITTO, J.

RD.